

Starpoint Counseling Service

**SUBSTANCE ABUSE PROFESSIONAL (SAP) SERVICES FOR MANDATED
UNITED STATES DEPARTMENT OF TRANSPORTATION REGULATED
BACK-TO-WORK EVALUATIONS
FOR EMPLOYEES IN SAFETY-SENSITIVE-POSITIONS**

8930 Fourwinds, Suite 218
San Antonio, Texas, 78239
210-590-9292
210-710-8768

www.alamosap.com
www.gordonleith.com



The **Substance Abuse Professional (SAP)** is a person who evaluates employees who have violated a **DOT drug and alcohol program regulation** and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

(<http://www.dot.gov/ost/dapc/sap.html>)

Subpart O - Substance Abuse Professionals and the Return-to-Duty Process

§ 40.287 What information is an employer required to provide concerning SAP services to an employee who has a DOT drug and alcohol regulation violation?

As an employer, you must provide to each employee (including an applicant or new employee) who violates a DOT drug and alcohol regulation a listing of SAPs readily available to the employee and acceptable to you, with names, addresses, and telephone numbers. You cannot charge the employee any fee for compiling or providing this list. You may provide this list yourself or through a C/TPA or other service.

§ 40.285 When is a SAP evaluation required?

(a) As an employee, when you have violated DOT drug and alcohol regulations, you cannot again perform any DOT safety-sensitive duties for any employer until and unless you complete the SAP evaluation, referral, and education/treatment process set forth in this subpart and in applicable DOT agency regulations. The first step in this process is a SAP evaluation.

(b) For purposes of this subpart, a verified positive DOT drug test result, a DOT alcohol test with a result indicating an alcohol concentration of 0.04 or greater, a refusal to test (including by adulterating or substituting a urine specimen) or any other violation of the prohibition on the use of alcohol or drugs under a DOT agency regulation constitutes a DOT drug and alcohol regulation violation.

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Under the FMCSA controlled substances use and alcohol misuse regulation, you are required to refer any driver to an SAP for evaluation, who has used controlled substances or misused alcohol, regardless of the consequences specified in your policy (see 49 CFR part 40, subpart O). For example, you must provide these referrals to your drivers even if your policy is to terminate drivers who violate the controlled substances use and alcohol misuse regulations. You must also inform your drivers of resources available to resolve problems associated with controlled substances use and alcohol misuse. You are not required by this regulation to provide, or to pay for, rehabilitation and treatment programs. However, many employers choose to do so because research and experience have demonstrated that such programs can be highly cost-effective.